IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.116 of 2023
In
Civil Writ Jurisdiction Case No.1727 of 2023

CNR No. BRHC010394512023

==========

Mohd. Mumtaz Alam Son of Munnu Hazi, Resident of Near Badi Imli Ansar Nagar, P.S.- Gondapur, District- Nawada Proprietor Chunnu Tent House Situated at Station Road, Nawada.

... ... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nawada.
2. The District Magistrate-cum-District Election Officer Election Officer, Nawada.
3. The Deputy Development Commissioner, Nawada.
4. The Additional Collector-cum-Additional Magistrate, Nawada.
5. The District Panchayat Raj Officer, Nawada.
6. The S.D.O., Nawada.

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Ajay (Ga 5)

==========

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

4 23-11-2026 Heard the parties concerned.

2. The present civil review petition has been filed for the following relief(s):

(i) That the instant filed for application is being review of the order dated 22.03.2023 passed in CWJC No. 1727/2023 by Hon'ble Mr. Justice Sanjeev Prakash Sharma whereby the writ application was dismissed granting liberty to the

WEB COPY

petitioner to seek remedy under the Act of 1996 although in the preceding paragraph it was held relying on order passed in CWJC No.13024/2022 that the observation in the said case bind the respondents, individual claim of the petitioner if not paid has to be take up before the concerned authorities.

3. Learned counsel for the petitioner, by referring to the order dated 22.03.2023 passed in CWJC No. 1727 of 2023, submits that one part of the order, which is referable from paragraph 2 of the order dated 22.03.2023, wherein this Hon'ble Court has directed the respondents to adjudicate the individual claim of the petitioner, if not paid, in terms of the order passed by the Hon'ble Division Bench in CWJC No. 13024 of 2022, and the said claim of the petitioner could have been adjudicated by the Principal Secretary, Agriculture Department, Government of Bihar, Patna, in reference to the observations made in paragraph 12(d) of the order passed in CWJC No. 13024 of 2022, but the second part of the order, whereby liberty is granted to seek remedy under the Arbitration and Conciliation Act 1996 (hereinafter referred to as the 'Act, 1996'), which takes away the entitlement of this petitioner to get his claim adjudicated in terms of the order passed in CWJC No. 13024 of

WEB COPY

2022, for which the instant review application has been filed, and the second part of the order under review, takes away the liberty restored to the respondents to adjudicate his entitlement after examining his claim and disburse the legitimate dues for which the petitioner is entitled as per the work order within the time so allowed.

4. On the other hand, the learned counsel for the State, after perusing the order dated 22.03.2023, which is the subject matter of the instant review application, submits that the second part is in conflict with the first part of the direction issued in this case, and the same can be appropriately interfered in the interest of justice.

5. Accordingly, the order dated 22.03.2023 is modified by directing the respondents to adjudicate the individual claim in terms of the observations of the Hon'ble Division Bench rendered in CWJC No. 13024 of 2022, and all admitted dues for which the petitioner is entitled shall be paid, and in case of there being any dispute with regard to the claim which is not paid or is denied, in that event, the petitioner shall be at liberty to either take the remedy of the provisions of the Act, 1996, or any other remedy, which the petitioner finds it appropriate in law to take necessary recourses, for the disputed

WEB COPY

amount, if any.

5. Accordingly, the present review petition stands disposed of.

(Ajit Kumar, J)

emaad/-

U			

WEB COPY